

**SACK & SACK, LLP**  
ATTORNEYS-AT-LAW  
70 East 55th Street, 10th Floor  
New York, New York 10022  
phone: (212) 702-9000 • fax: (212) 702-9702

Eric R. Stern  
Estern@SackandSack.com

June 28, 2019

**BY ECF:**

Honorable Frederic Block  
United States District Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re:                    Ausch v. Fed. Bureau of Prisons, et al**  
**Case Number 17-CV-2949 (Block, J.) (Kuo, M.J.)**

Dear Judge Block:

We represent the Plaintiff in the above-referenced matter.

I write to explain to the Court that I had scanned into my computer the affidavit of service on June 5<sup>th</sup> which confirms service upon the Attorney General on April 30<sup>th</sup> as previously represented to the Court.

On Jun 20, 2019, one day before the Court's most recent Order, there was a death in our family – my wife's grandmother – the 4<sup>th</sup> grandparent to pass in a 12 month period. I am sorry I did not tend to filing the Affidavit of Service sooner, and I was under the impression that the affidavit was previously scanned and uploaded to the ECF. I see, by review of the docket, that it was not successfully uploaded.

I attach it to this letter but will make a separate filing on the docket.

While I realize there were several mishaps in getting this service issue straightened out but I assure the court this is an exception, and not the rule.

Given the unique circumstances set forth above, I ask the Court to excuse this mishap and apologize for any inconvenience..

Respectfully submitted,  
**SACK & SACK, LLP**



Eric R. Stern, Esq.

cc: All Counsel, Via ECF

NAFTALI E. AUSCH

Plaintiff(s)

Index # 17-CV-2949-FB-PK

- against -

U.S. DEPARTMENT OF JUSTICE FEDERAL BUREAU OF PRISONS, ETAL

Defendant(s)

Mail Date April 30, 2019

**AFFIDAVIT OF MAILING**

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

CHRISTOPHER J. KLEIN BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on April 30, 2019 at a regular depository maintained by the United States Post Office deponent mailed a copy of the SUMMONS AND COMPLAINT to WILLIAM BARR, U.S. ATTORNEY GENERAL at

U.S. DEPARTMENT OF JUSTICE  
950 PENNSYLVANIA AVENUE, NW  
WASHINGTON, DC 20530-0001

Copy was mailed , and was marked personal & confidential and not indicating on the outside thereof, by return address or otherwise that said notice is from an attorney or concerns an action against the person to be served.

THE MAILING IS DONE VIA CERTIFIED-RETURN RECEIPT REQUESTED MAIL.

CERTIFIED RECEIPT NUMBER 70182290000152104772

Sworn to me on: April 30, 2019

JOSEPH KNIGHT  
Notary Public, State of New York  
No. 01KN6178241  
Qualified In New York County  
Commission Expires November 26, 2019

RALPH J MULLEN  
Notary Public, State of New York  
No. 01MU6238632  
Qualified in Queens County  
Commission Expires April 11, 2023

VINETTA BREWER  
Notary Public, State of New York  
No. 4949206  
Qualified in Bronx County  
Commission Expires April 3, 2023

  
**CHRISTOPHER J. KLEIN**

License #: 1188546

Invoice #: 718606